App. F. IX-4

194/. File No. 67-41

Previous References. (Cs) Serial Nos. 1-2

Cs 141-40 (142)

Later References.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. two only

Part B for Sept '41

SUBJECT.

Addition of a Note to Criminal Rules of Practice regarding the payment of T.A. and Batta to non-Official witnesses (residing outside the State) for attending Court in the State

No. 1409-19 Dated 24.9.41.

To

1) The Registrar H.C.
2) Comptroller
3) D.M's of Districts

Sanctions the addition of a para. to the Criminal rules of practice re: the T.A to non-Officials attending Courts

C G Vyravanna
30.10.41

1335/D

Serial No.

From
The Registrar High Court
No RoC 109 Dt 2.9.41

Requests Sanction to the addition of a third paragraph to Rule 11 (i) Of Chapter XXX of the Criminal Rules of practice and circular orders Vol I (1936).

Submitted With references and ~~a~~ a draft of a G.O. for approval or other orders

LEGY. LAW DEPT. 16 SEP. 1941 GOVT OF MYSORE

Com 16/9

May be approved
Law Secretary) 3 16/9/

Minister for Law) Hm 2 17/9/41

OFFICE OF THE MINISTER FOR LAW SEP 18 1941 No. 2787

3 17/9/41

Hm 2 19.9.41

2 To 3 19/9
The Registrar High Court
The Comptroller to Govt
Re S.M.S. & Orders
No 1409-19 Dt 24.9.41.
Sanctions the addition of a para to Cr. I of practice re. the T.A. to non-officials atte Courts

B.

NOTE—Contn. Sheet.

1335 241

R. O. C. No. 109 41-42
D. Dis.

Enc: one

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore, 1st September *1941.*
2nd

GOVT. OF MYSORE SECL. & REV. SECRETARIAT 3. SEP. 1941

FROM

T. SHAMIENGAR, ESQ., B.A., B.L.,
Registrar, High Court of Mysore.

GOVT. LAW DEPT. 2 SEP 1941 GOVT OF MYSORE

H.V. NARAYANA RAO, ESQ., B.A., LL.B.,
Secretary to the Government of Mysore,
Law Department, BANGALORE.

Cts 67-41-1

SIR,

I am directed to refer to Government Order No.J.3002-12/Cts.29-07-13, dated 28 March 1908, ordering payment of travelling allowances and batta to non-official witnesses residing outside the State both in Sessions Courts and Magistrates' Courts at the rates prescribed for witnesses attending Sessions Courts, and to Government Order No.P.3231-2/Cts.141-40-2, dated 23 December 1940, revising the rates of travelling allowances and batta for non-official witnesses attending Sessions trials. There appears to be a wrong impression among a few Magistrates that the Government Order of 28 March 1908 has somehow been superseded by the Government Order of 23 December 1940 with the result that non-official witnesses residing outside the State will get no travelling allowance nor batta when attending Magistrates' Courts. The recent amendment in respect of Sessions Courts was certainly not intended to affect the right of non-official witnesses residing outside the State to receive travelling allowance and batta for attending both Magistrates Courts and Sessions Courts, as should have been understood. However to prevent any possible misunderstanding the Judges of the High Court propose to add a third paragraph to Rule 11 (i) of Chapter XXX of the Criminal Rules of Practice and Circular Orders, Volume I (1934), as set out in the enclosed draft.

2. I am to request that the Government may be pleased to sanction the proposed addition to the rule.

I have the honour to be,

Sir,

Your most obedient servant,

REGISTRAR.

GRA/-

HIGH COURT OF MYSORE AT BANGALORE.

Add the following as 3rd sub-paragraph to Rule 11(i) on page 167 of the Criminal Rules of Practice and Circular Orders, Volume I (1934):-

"Non-official witnesses residing outside the State, who attend Magistrates' Courts in the State are entitled to receive travelling allowances and batta at the rates provided below for non-official witnesses attending Sessions trials".

T. Shamvenga

REGISTRAR.

GRA/-

We

G. R. S. App. F VI—G 2]

SUBJECT .....

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12 copies

Diary No. of letter replied to.....

Section Cts

File No. 67-41

Serial No. 2

General and Revenue Secretariat

( )

the 193

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 24.9.41 193

Signed by Dr. K.P. Puttu

Read—

G.O. No. J 300 2-12/Cts 29-0 13 Dt 28.3.1908 Sanctio the payment of T.A. and batta to Non-Official Witnesses residing outside the State for attending Criminal Courts in the State

~~Order thereon.—No.~~

(2) G.O. No P 3231-2/Cts 141-40-2 Dt 23.12.1940 revising the rates of T.A. and batta payable to Non-Official Witnesses attending Sessions trials

(3) Letter No Roc 109/41-42 Dt 2.9.1941

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(vi) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

Put X

P. n D

from the Registrar High Court of Mysore stating that there appears to be a wrong impression among a few Magistrates that the G.O. of 28-3-1908 read above has been superseded by G.O. of 23.12.1960 with the result that Non-Official Witnesses residing outside the State ~~the State~~ will get no T.A nor batta when attending Magistrate's Courts in the State and that, with a View to prevent any possible misunderstanding on the subject, the High Court propose to add a third paragraph to Rule 11 (1) of Chapter XXX of the Criminal Rules of practice and Circular orders Vol I (1934) as set out in the enclosed statement and

List of Enclosure

Copied by

Examined by

WD 0523—GPB—22,500—16-3-37

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

Requesting Sanction thereto

order 1409-13/cs- Dt 24/2/41
67-41-2

Sanctioned

Hm
2
17/9/41
Secretary to Govt
Law Dept

To

The Registrar High Court
The Comptroller to Govt
The DMS of districts.

23/9/41

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS

THE MAHARAJA OF MYSORE.

Read:—

Government Order No.J.C902-12/Cts.29-07-13 dated 28th March 1900 sanctioning the payment of Travelling Allowance and batta to non-official witnesses residing outside the State for attending criminal courts in the State.

2. Government Order No.P.3331-2/Cts.141-40-2 dated 23rd December 1940 revising the rates of Travelling Allowance and batta payable to non-official witnesses attending sessions trials.

3. Letter No.R.O.C.109/41-42 dated 2nd September 1941 from the Registrar, High Court of Mysore, stating that there appears to be a wrong impression among a few Magistrates that the Government Order dated 28th March 1908 read above has been superseded by Government Order of 23rd December 1940 with the result that non-official witnesses residing outside the State will get no Travelling Allowance nor batta when attending Magistrates' Courts in the State and that, with a view to prevent any possible misunderstanding on the subject, the High Court proposes to add a third paragraph to Rule 11 (1) of Chapter XXX of the Criminal Rules of Practice and Circular Orders Vol.I. (1934) as set out in the enclosed statement and requesting sanction thereto.

O R D E R No.P.1409-12/Cts. 07-41-2 248

Dated, Bangalore, the ~~23rd~~ September 1941.

O R D E R E D,

Secretary to Government,
Law Department.

To—The Registrar, High Court of Mysore.
The Comptroller to Government,
The District Magistrate of Mysore.

TT-12)

APPENDIX.

Add the following as 3rd sub-paragraph to Rule 11 (i) on page 167 of the Criminal Rules of Practice and Circular Orders, Volume I (1934):-

"Non-official witnesses residing outside the State, who attend Magistrates' Courts in the State are entitled to receive travelling allowances and batta at the rates provided below for non-official witnesses attending Sessions & trials".

TN-7)

In Secretary to Govt
Law Dept